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Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Report of the Second Committee

Rapporteur: Mr. Glauco **Seoane** (Peru)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-first session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" and to allocate it to the Second Committee.

2. The Second Committee considered the item at its 22nd, 23rd and 24th meetings, on 25 October and 2 and 8 November 2016. An account of the Committee's consideration of the item is contained in the relevant summary records.[1] Attention is also drawn to the general debate held by the Committee at its 2nd to 5th meetings, on 3 and 4 October.[2]

3. For its consideration of the item, the Committee had before it the following documents:

(a) Note by the Secretary-General transmitting the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian territory, including East Jerusalem, and the Arab population in the occupied Syrian Golan (A/71/86-E/2016/13);

[1] A/C.2/71/SR.22, A/C.2/71/SR.23 and A/C.2/71/SR.24.
[2] See A/C.2/71/SR.2, A/C.2/71/SR.3, A/C.2/71/SR.4 and A/C.2/71/SR.5.

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(b) Letter dated 29 September 2016 from the Permanent Representative of Thailand to the United Nations addressed to the Secretary-General transmitting the Ministerial Declaration adopted at the fortieth annual meeting of Ministers for Foreign Affairs of the States members of the Group of 77 (A/71/422).

4. At the 22nd meeting, on 25 October, the Executive Secretary of the Economic and Social Commission for Western Asia made an introductory statement.

II. Consideration of draft resolution A/C.2/71/L.35

5. At the 23rd meeting, on 2 November, the representative of Thailand, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, taking into account also the provisions of General Assembly resolution 52/250 of 7 July 1998, introduced a draft resolution entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" (A/C.2/71/L.35).

6. At the 24th meeting, on 8 November, the representative of Thailand, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, made a statement.

7. Subsequently, Turkey joined in sponsoring the draft resolution.

8. At the same meeting, the Committee was informed that the draft resolution had no programme budget implications.

9. Also at the same meeting, the Committee adopted draft resolution A/C.2/71/L.35 by a recorded vote of 155 to 8, with 10 abstentions (see para. 14). The voting was as follows:[1]

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Chile, China, Colombia, Comoros, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania,

[1] Subsequently, the delegation of Ukraine informed the Secretariat that it had intended to vote in favour.

Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, South Sudan, United States of America.

Abstaining:

Australia, Cameroon, Central African Republic, Côte d'Ivoire, Honduras, Papua New Guinea, Paraguay, Togo, Tonga, Vanuatu.

10. Before the vote, a statement in explanation of vote was made by the representative of Israel.

11. After the vote, a statement in explanation of vote was made by the representative of Slovakia (on behalf of the States members of the European Union).

12. Also after the vote, a statement was made by the observer for the State of Palestine.

13. A statement in the exercise of the right of reply was made by the representative of Israel.

III. Recommendation of the Second Committee

14. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

The General Assembly,

Recalling its resolution 70/225 of 22 December 2015, and taking note of Economic and Social Council resolution 2016/14 of 25 July 2016,

Recalling also its resolutions 58/292 of 6 May 2004 and 59/251 of 22 December 2004,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Recalling its resolution 2625 (XXV) of 24 October 1970,

Bearing in mind its resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling, in this regard, the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2] and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem, as well as in the occupied Syrian Golan,

Recalling also the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,[3] and recalling further its resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Recalling further its resolution 67/19 of 29 November 2012,

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.

[2] See resolution 2200 A (XXI), annex.

[3] See A/ES-10/273 and Corr.1.

Taking note of the accession by Palestine to several human rights treaties and the core humanitarian law treaties, as well as to other international treaties,

Expressing its concern about the exploitation by Israel, the occupying Power, of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing its grave concern about the extensive destruction by Israel, the occupying Power, of agricultural land and orchards in the Occupied Palestinian Territory, including the uprooting of a vast number of fruit-bearing trees and the destruction of farms and greenhouses, and the grave environmental and economic impact in this regard,

Expressing its grave concern also about the widespread destruction caused by Israel, the occupying Power, to vital infrastructure, including water pipelines, sewage networks and electricity networks, in the Occupied Palestinian Territory, in particular in the Gaza Strip during the military operations of July and August 2014, which, inter alia, has polluted the environment and which negatively affects the functioning of water and sanitation systems and the water supply and other natural resources of the Palestinian people, and stressing the urgency of the reconstruction and development of water and other vital civilian infrastructure, including the project for the desalination facility for the Gaza Strip,

Expressing its grave concern further about the negative impact on the environment and on reconstruction and development efforts of unexploded ordnance that remains in the Gaza Strip as a result of the conflict in July and August 2014, and commending the efforts of the Mine Action Service of the United Nations for the safe removal of such ordnance,

Expressing its grave concern about the chronic energy shortage in the Gaza Strip and its detrimental impact on the operation of water and sanitation facilities, which threaten to further erode groundwater resources, of which only 5 per cent remains potable,

Recalling the 2009 report by the United Nations Environment Programme regarding the grave environmental situation in the Gaza Strip, and the 2012 and 2016 reports by the United Nations country team, entitled "Gaza in 2020: a liveable place?" and "Gaza: two years after", respectively, and stressing the need for follow up to the recommendations contained therein,

Deploring the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard,

Recalling the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[4]

[4] A/HRC/22/63.

Aware of the detrimental impact on Palestinian natural resources being caused by the unlawful construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and of its grave effect as well on the economic and social conditions of the Palestinian people,

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967 and a just, lasting and comprehensive peace settlement on all tracks, on the basis of Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973, 425 (1978) of 19 March 1978 and 1397 (2002) of 12 March 2002, the principle of land for peace, the Arab Peace Initiative[5] and the Quartet performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,[6] as endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003 and supported by the Council in its resolution 1850 (2008) of 16 December 2008,

Stressing also, in this regard, the need for respect for the obligation upon Israel under the road map to freeze settlement activity, including so-called "natural growth", and to dismantle all settlement outposts erected since March 2001,

Stressing further the need for respect and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Taking note of the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, as transmitted by the Secretary-General,[7]

1. *Reaffirms* the inalienable rights of the Palestinian people and of the population of the occupied Syrian Golan over their natural resources, including land, water and energy resources;

2. *Demands* that Israel, the occupying Power, cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

3. *Recognizes* the right of the Palestinian people to claim restitution as a result of any exploitation, damage, loss or depletion or endangerment of their natural resources resulting from illegal measures taken by Israel, the occupying Power, and Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, and expresses the hope that this issue will be dealt with within the framework of the final status negotiations between the Palestinian and Israeli sides;

4. *Stresses* that the wall and settlements being constructed by Israel in the Occupied Palestinian Territory, including in and around East Jerusalem, are contrary to international law and are seriously depriving the Palestinian people of their

[5] A/56/1026-S/2002/932, annex II, resolution 14/221.

[6] S/2003/529, annex.

[7] A/70/82-E/2015/13.

natural resources, and calls in this regard for full compliance with the legal obligations affirmed in the 9 July 2004 advisory opinion of the International Court of Justice[3] and in relevant United Nations resolutions, including General Assembly resolution ES-10/15;

5. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, and to cease immediately and completely all policies and measures aimed at the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

6. *Also calls upon* Israel, the occupying Power, to bring a halt to all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials, in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian populations;

7. *Further calls upon* Israel to cease its destruction of vital infrastructure, including water pipelines, sewage networks and electricity networks, and to cease its demolition and confiscation of Palestinian homes and civilian infrastructure, agricultural lands and water wells, which, inter alia, have a negative impact on the natural resources of the Palestinian people, stresses the urgent need to advance reconstruction and development projects in this regard, including in the Gaza Strip, and calls for support for the necessary efforts in this regard, in line with the commitments made at, inter alia, the Cairo International Conference on Palestine: Reconstructing Gaza, held on 12 October 2014;

8. *Calls upon* Israel, the occupying Power, to remove all obstacles to the implementation of critical environmental projects, including sewage treatment plants in the Gaza Strip and the reconstruction and development of water infrastructure, including the project for the desalination facility for the Gaza Strip;

9. *Also calls upon* Israel not to impede Palestinian development and export of discovered oil and natural gas reserves;

10. *Calls for* the immediate and safe removal of all unexploded ordnance in the Gaza Strip and for support for the efforts of the Mine Action Service of the United Nations in this regard, and welcomes the extensive efforts exerted by the Mine Action Service to date;

11. *Encourages* all States and international organizations to continue to actively pursue policies to ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities and the exploitation of natural resources;

12. *Requests* the Secretary-General to report to the General Assembly at its seventy-second session on the implementation of the present resolution, including with regard to the cumulative impact of the exploitation, damage and depletion by Israel of natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and decides to include in the provisional agenda of its seventy-second session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".